



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Carol S. Comer
Commissioner

November 5, 2015

VIA ELECTRONIC MAIL

Dear NPDES General Permittee:

As you should be aware by now, IDEM has been working on transitioning several of the existing NPDES general permits-by-rule (under Title 327 Article 15 of the Indiana Administrative Code) to an administrative format. This change is occurring with rulemaking found at LSA Document #10-659, which is intended to correct deficiencies in Indiana's general permit program as identified by the U.S. Environmental Protection Agency. IDEM public noticed draft versions of the following 5 NPDES general permits on December 15, 2014:

- ING080000 Groundwater Petroleum Remediation Systems
- ING670000 Hydrostatic Testing of Commercial Pipelines
- ING250000 Once-Through Non-Contact Cooling Water
- ING340000 Petroleum Products Terminals
- ING490000 Sand, Gravel, Dimension Stone, and Crushed Stone Operations

The purpose of this letter is to notify you of the status of the rule amendments to 327 IAC 5 and 327 IAC 15 which are resulting in the conversion of the initial five (5) general permits-by-rule to administrative general permits. The rule amendments were final adopted by the Environmental Rules Board on July 8, 2015. The final rule amendments and all of the supporting documentation were then routed to the Attorney General's office and the Governor's office for their review and approval. Per Indiana statutes, the rule amendments will become effective 30 days from the date on which they were filed with the Legislative Services Agency (which occurred on October 9, 2015). So the new rule amendments become effective on Sunday, November 8, 2015. The rule amendments were published in the Indiana Register on November 4, 2015.

IDEM is issuing the final NPDES general permits today, with an effective date of November 8, 2015 (which is the same date as the effective date of the rule amendments) to ensure the continuation of the general permit coverage without any gaps. This is an informational letter to advise you how the Office of Water Quality plans to implement the transition of the general permitting program for the five categories of NPDES general permits which are being converted from rule format to administrative format.

Existing General Permit Holders

Please rest assured that all existing general permit holders are still covered by the general permits-by-rule, even after they are repealed, subject to several conditions.



A State that Works

This “bridge” is allowed by statute at IC 13-18-3-15(c) which states “After 327 IAC 5 and 327 IAC 15 are amended under [IC 13-18-3-15(a)], the terms and conditions of an NPDES general permit under that article as they existed before the amendment remain in effect and are binding on any person regulated under the NPDES general permit until the person submits a notice of intent to be covered by an NPDES general permit developed and issued under [IC13-18-3-15(b)].

IC 13-18-3-15(d) provides that any person regulated under an NPDES general permit on the effective date of the rule amendment must submit a Notice of Intent (NOI) not later than ninety (90) days after the department makes the NOI form available to the person. Otherwise the person must apply for an individual NPDES permit. *In either case, the terms and conditions of the former general permit-by-rule will continue to be in effect until IDEM takes a final action with regard to either the NOI or the individual application.*

Due to the fact that we have nearly 270 existing general permittees who are affected by this transition, we have developed an implementation plan which schedules when we will officially notify each permittee or group of permittees of the need to file the new NOI. We plan to spread this transition out over several months. Therefore, unless you have a new site that needs general permit coverage, you do not need to take action with regard to filing an NOI or an individual application at this time. What you do need to do is to review the final issued NPDES general permit to ensure that your facility is still eligible for general permit coverage. If you have any questions or are in doubt, please feel free to contact our office. We will be happy to discuss your particular situation with you either on the telephone or in person. We will work with you to try to make this transition as smooth as possible.

Today we are sending you copies of the final NPDES general permit, the fact sheet, responses to comments, and public notice of the final issuance with appeal information. Please contact us if you need to obtain a copy of the final version of the new NOI form for any of the general permits. We are not sending the NOI form to you at this time lest it be mistakenly perceived as the official notification as mentioned above and as set forth in IC 13-18-3-15(d).

One question which has already been asked pertains to those entities who have recently filed NOIs for general permit coverage. While the statute (IC 13-18-3-15) and the new general permit both require any person who desires coverage under the administrative general permit to file an NOI after the effective date of the general permit, the permitting authority does have the ability to waive some of the NOI requirements. Therefore, IDEM will waive the following items for any facility for which a complete new or renewal NOI was filed with IDEM after January 1, 2015:

1. The proof of publication in a local newspaper that the person intends to comply with the NPDES general permit.
2. The \$50 application fee (if a fee was remitted with the previous 2015 submittal).

New (Unpermitted) Facilities

A person representing any new (unpermitted) facility must utilize the new NOI form to obtain coverage under the new administrative NPDES general permit. Please contact our office to obtain the NOI form.

Appeal Information

Any party affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication within eighteen (18) days after the date of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this revocation, or otherwise entitled to review by law. This petition constitutes a request for an adjudicatory hearing.

In order to be timely filed the petition for review must be either: (1) received by the Office of Environmental Adjudication no later than the deadline date; (2) postmarked no later than the deadline date; or (3) received by private carrier by the deadline date as shown by receipt issued by the carrier.

Additional information concerning appeal procedures can be found in the attached document.

Questions?

If you have any questions about the new administrative general permits or the NPDES rule amendments, please feel free to contact Mrs. Catherine Hess of my staff by calling (317) 232-8704 [or toll-free within the state of Indiana at (800) 451-6027, ext. 28704] or via email at owqwwper@idem.in.gov.

Sincerely,



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

APPEAL PROCEDURES

The final NPDES general permits and related documents are posted on IDEM's web site at <http://www.in.gov/idem/cleanwater/2480.htm>. The final NPDES general permits are available for review at the IDEM Central Office, Indiana Government Center North, Room 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). Copies of the final permit documents are also available at the local health departments and at IDEM's Regional Offices. The documents are also available via email request. See these sites for information concerning your rights and responsibilities: <http://www.IN.gov/idem/5474.htm> and <http://www.in.gov/idem/5903.htm>. Please tell others whom you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law. The Petition for Administrative Review must be received by the OEA within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

1. state the name and address of the person making the request;
2. identify the interest of the person making the request;
3. identify any persons represented by the person making the request;
4. state specifically the reasons for the request;
5. state specifically the issues proposed for consideration at the hearing; and
6. identify the Final Permit terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing these NPDES Permit(s).

If the person filing the Petition for Administrative Review desires any part of any final NPDES General Permit to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to this address:

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis, IN 46204

Indiana Department of Environmental Management

Office of Water Quality, Permits Branch
100 North Senate Avenue, IGCN Room 1255
Indianapolis, Indiana 46204
(317) 232-8670
Toll Free (800) 451-6027
www.idem.IN.gov

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, Articles 5 and 15 of Title 327 the Indiana Administrative Code, and regulations adopted by the Environmental Rules Board, the Indiana Department of Environmental Management (IDEM) is issuing this NPDES general permit to regulate discharges of wastewater from Ground Water Petroleum Remediation Systems into surface waters of the State of Indiana.

This permit is issued on: **November 5, 2015**

This permit is effective on: **November 8, 2015**

This permit expires on: **October 31, 2020**

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 123.25, the conditions of this permit remain fully effective and enforceable after the expiration date of the permit if the permittee has submitted a timely Notice of Intent letter (NOI) for a new term of coverage and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.



Paul Higginbotham
Deputy Assistant Commissioner
Office of Water Quality

Table of Contents

1.0 GENERAL PERMIT COVERAGE	3
1.1 Permit Area	3
1.2 Discharges Authorized/Covered by this Permit	3
1.3 Eligibility	4
1.4 Fees (Application and Annual Maintenance)	4
2.0 EFFLUENT LIMITATIONS	4
2.1 Discharge Limitations	5
2.2 Narrative Water Quality Standards	5
3.0 MONITORING REQUIREMENTS AND PROCEDURES	6
3.1 What to Sample	6
3.2 Measurement Frequency	6
3.3 Representative Sampling	6
3.4 Additional Monitoring by Permittee	6
3.5 Testing Procedures	7
3.6 Recording of Results	7
3.7 Reporting Monitoring Results	8
3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports	9
3.9 Records Retention	9
3.10 Reopening Clause	9
4.0 NOTICE OF INTENT (NOI) REQUIREMENTS	10
4.1 NOI Format	10
4.2 Deadlines for NOI Submittal	10
4.3 Submitting the NOI and Processing Fee	11
4.4 NOI Content Requirements	12
5.0 REQUESTING TERMINATION OF COVERAGE	14
6.0 ADDITIONAL REQUIREMENTS	14
6.1 Standard Conditions for General Permits	14
6.2 Change of Ownership/Transfer	14
6.3 Planned Changes in Facility or Discharge	15
6.4 Other Information	15
6.5 Effect of Noncompliance	16
6.6 Reporting Spills and Noncompliance	16
6.7 Certified Operator	17
6.8 Individual or Alternative General NPDES Permit	17
6.9 State and Local Laws	17

1.0 GENERAL PERMIT COVERAGE

1.1 Permit Area

This ground water petroleum remediation systems general permit covers all areas of the State of Indiana.

1.2 Discharges Authorized/Covered by this Permit

This general permit authorizes new or existing discharges to surface waters of the State of Indiana from any conveyance used for collecting and conveying wastewater which is directly related to a ground water petroleum remediation system. For the purposes of this permit, only sites dealing with gasoline, diesel fuel, or kerosene contamination are authorized. These discharges will henceforth in this permit be described as remediated groundwater.

This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years. In order to obtain authorization to discharge under this permit, a person must submit a Notice of Intent (NOI) pursuant to Section 4.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual permit.

Except as provided in Section 1.3, when an NOI is submitted as set forth in Section 4.0 below, a facility is permitted to discharge remediated groundwater to surface waters of the state in accordance with the terms of this general permit. This authorization to discharge shall become effective upon receipt of notification of inclusion/coverage by the Commissioner. Any discharges of remediated groundwater to surface waters of the state that are not permitted under this general permit or by an individual permit are unlawful.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- a) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- b) IDEM's approval of the permittee's submittal of a Notice of Termination (see Section 5.0); or
- c) Issuance or modification of an individual permit for the discharges covered by this general permit; or
- d) A final decision by IDEM either to revoke or to not reissue this general permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this identified time period.

1.3 Eligibility

- a) This general permit covers discharges comprised solely of remediated groundwater from facilities involved in groundwater petroleum remediation systems to surface waters of the state, except as limited in paragraph b below.
- b) Limitations on Coverage. The following discharges of wastewater from Groundwater Petroleum Remediation Systems are not authorized by this permit:
 - 1) direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
 - 2) discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters;
 - 3) discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular facility for which the Notice of Intent (NOI) is submitted.

1.4 Fees (Application and Annual Maintenance)

Any person who seeks coverage under this general permit is required to remit an application fee with the Notice of Intent (NOI) in accordance with IC 13-18-20-12. Pursuant to the statute this fee is required for a new NOI submittal, renewals, and modification requests including transfers of coverage requested under Section 6.2 and any planned facility changes referenced in Section 6.3 of this permit that would result in the need for an NOI. Persons covered by this general permit are also required by IC 13-18-20 to remit annual operating fees to IDEM for as long as coverage continues. Coverage under this general permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

2.0 EFFLUENT LIMITATIONS

All permittees must control discharges as necessary to meet numeric and narrative water quality criteria for any discharges authorized by this permit, with compliance required upon beginning such a discharge. The limits and monitoring requirements in Tables 1 and 2 shall be applicable to all permittees. Additionally the effluent limits and monitoring requirements in Table 3 shall be applicable for groundwater remediation projects involving other petroleum sources such as diesel fuel and kerosene. The IDEM approval letter shall specify any requirement for a permittee to monitor for Table 3 parameters, based upon IDEM review of the NOI and wastewater characterization data.

2.1 Discharge Limitations

Table 1

Parameter	Quantity or Loading			Monitoring Requirements	
	Monthly average	Daily maximum	Units	Measurement frequency	Sample type
Flow[1]	Report	Report	MGD	Daily	24 Hr. Total
Total Flow	---	Report	Mgal	1 x monthly	Cumulative monthly total

Table 2

Parameter	Quality or Concentration			Monitoring Requirements	
	Daily minimum	Daily maximum	Units	Measurement Frequency	Sample type
pH	6.0	9.0	s.u.	1 x monthly	Grab
Benzene	---	5.0	µg/l	1 x monthly	Grab

Table 3

Parameter	Quality or Concentration		Monitoring Requirements	
	Daily maximum	Units	Measurement Frequency	Sample type
Naphthalene [2]	10	µg/l	1 x monthly	Grab
PAHs [2][3]	Report	µg/l	1 x monthly	Grab

[1] Measurement of flow is required. The flow volume may be estimated.

[2] The monitoring requirements for this parameter may be waived or reduced by the Commissioner based upon IDEM review of the wastewater characterization data and/or effluent data submitted with the NOI. Any such waiver shall be specified in IDEM's approval letter and shall not become effective until that time.

[3] Polynuclear Aromatic Hydrocarbons (PAHs) shall be the combined concentrations (i.e. the sum) of the following: anthracene, benzo(a)anthracene, benzo(k)fluoranthene, 3,4 benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluorene, indeno(1,2,3 c,d)pyrene, naphthalene, phenanthrene, and pyrene.

2.2 Narrative Water Quality Standards

- a) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants that will settle to form putrescent or otherwise objectionable deposits;

- b) The discharge shall not contain substances that are in amounts sufficient to be unsightly or deleterious;
- c) The discharge shall not contain oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
- d) The discharge shall not contain substances which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
- e) The discharge shall not contain substances which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

3.0 MONITORING REQUIREMENTS AND PROCEDURES

3.1 What to Sample

Samples shall be taken in accordance with the sample type specified in Section 2.1 of this general permit. The Commissioner may require the permittee to sample for additional parameters. When this becomes the case, the permittee shall be notified in writing and given the reason(s) for the additional sampling requirement(s).

3.2 Measurement Frequency

Measurement frequency of each parameter is identified in Section 2.1 above. The Commissioner may require the permittee to conduct more frequent measurement of one or more of these parameters. When this becomes the case, the permittee shall be notified in writing and given the reasons for the more frequent sampling requirement.

3.3 Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of remediated groundwater. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving stream.

3.4 Additional Monitoring by Permittee

When the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in section 3.5 below, the results of this monitoring shall be included in the

calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

3.5 Testing Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods however, 40 CFR Part 136 should be checked to ascertain that a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable when they receive the prior written approval of the Commissioner.

- a) Standard Methods for the Examination of Water and Wastewater, 18th, 19th, or 20th Editions, 1992, 1995, or 1998, American Public Health Association, Washington, D.C. 20005.
- b) A.S.T.M. Standards, Parts 23, Water; Atmosphere Analysis, 1972 American Society for Testing and Materials, Philadelphia, PA 19103.
- c) Methods for Chemical Analysis of Water and Wastes, June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

3.6 Recording of Results

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

- a) the place (outfall number), date, and time of sampling;
- b) the person(s) who performed the sampling or measurements;
- c) the dates and times the analyses were performed;
- d) the person(s) and laboratory who performed the analyses;
- e) the analytical techniques or methods used; and
- f) the results of all required analyses and measurements.

3.7 Reporting Monitoring Results

- a) The permittee shall submit complete federal discharge monitoring reports (DMRs) and state monthly monitoring reports (MMRs) to the Commissioner containing results obtained during the previous monitoring period. These reports shall be submitted no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the first completed monitoring period.
- b) Forms that were not issued by IDEM must receive approval by IDEM before they may be used.
- c) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.
- d) Permittees shall keep a duplicate copy of all completed and signed monitoring report forms submitted. These documents shall be retained either on-site at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review.
- e) DMRs, MMRs, and any communication regarding compliance with the conditions of this general permit must be sent to:

Indiana Department of Environmental Management
Office of Water Quality
Compliance Data Section, IGCN Room 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
- f) The permittee may choose to or may be required to enroll in the NetDMR program for the electronic submittal of the federal DMRs and the state MMR forms in lieu of submitting them via U.S. Mail. If electronic reporting does become a requirement and the permittee does not have the ability to submit reports electronically, the permittee may request an exemption from the requirement which shall include the justification for the inability to utilize an electronic filing system

The Regional Administrator of U.S. EPA may request that the permittee submit monitoring reports to the U.S. EPA when the U.S. EPA deems it necessary to assure compliance with the permit.

3.8 Reporting Effluent Data on the Federal Discharge Monitoring Reports

- a) For parameters with monthly average water quality based effluent limitations (WQBELs) below the limit of quantitation (LOQ), daily effluent values that are less than the LOQ may be assigned a value of zero (0).
- b) For all other parameters for which the monthly average WQBEL is equal to or greater than the LOQ, calculations that require averaging of measurements of daily values (both concentration and mass) shall use an arithmetic mean. When a daily discharge value is below the LOQ, a value of zero (0) shall be used for that value in the calculation to determine the monthly average unless otherwise specified or approved by the Commissioner.
- c) Effluent concentrations less than the limit of detection (LOD) shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, when a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.
- d) Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.

3.9 Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. All records shall be kept at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review. The three year retention requirement shall be extended:

- a. automatically during the course of any litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b. as requested by the Regional Administrator of U.S. EPA or the Commissioner.

3.10 Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) controls any pollutant not limited in the permit.

When this general permit is modified or revoked and reissued, all persons regulated under it will be notified by IDEM. Those persons notified under this Section shall, within one hundred twenty (120) days of the receipt of notification:

- 1) submit a complete NOI containing the information required under the modified or reissued permit; or
- 2) apply for an individual NPDES permit.; or
- 3) submit a Notice of Termination (NOT) of discharge.

4.0 NOTICE OF INTENT (NOI) REQUIREMENTS

4.1 NOI Format

A person seeking coverage under this general permit shall submit the appropriate Notice of Intent (NOI) form for this specific general permit, which will be provided by the Commissioner. The owner of the facility or operation from which a discharge of pollutants occurs is responsible for applying for and obtaining this coverage, except where the facility or operation is operated by a person other than an employee of the owner, in which case it is the operator's responsibility. The NOI form must be signed and certified (as required by 40 CFR 122.22) by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his or her duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

The NOI shall be submitted to IDEM according to Section 4.3 of this general permit.

4.2 Deadlines for NOI Submittal

- a) For a new facility, an NOI shall be submitted at least thirty (30) days before any discharge occurs.
- b) For a facility that has existing, effective coverage under the former general permit (327 IAC 15-10), on the effective date of this general permit, the existing coverage shall automatically be extended provided that the permittee takes one of the following actions within ninety (90) days following the date that the Commissioner makes the NOI form available to the permittee.
 - 1) The permittee submits a new NOI in accordance with Section 4.0 of this general permit to affirm the permittee intends to comply with the requirements of this new general permit ;

- 2) The permittee notifies IDEM in writing of the permittee's intent to terminate general permit coverage in accordance with Section 5.0 of this general permit; or
 - 3) The permittee submits an individual NPDES application or modification to IDEM for the existing discharge permitted by the former general permit. In such cases, the general permit coverage will remain in effect until the effective date of coverage under an individual NPDES permit.
- c) For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted not less than ninety (90) days before the permit expires. If, upon review of the conditions and requirements of the reissued permit, the permittee determines that coverage under said permit is not appropriate for the site, he/she may, within 90 days, withdraw the NOI and submit either an application for an individual NPDES permit, or a Notice of Termination (see section 5.0 of this permit).
- d) In the case of a transfer of ownership, an NOI must be submitted not less than thirty (30) days before the transfer. Additional requirements for the transfer of general permit coverage are found in Section 6.2 of this general permit.
- e) The Commissioner may, upon good cause shown in writing by the applicant, extend any of the submission deadline time periods required above.

4.3 Submitting the NOI and Processing Fee

The Notice of Intent and all supporting documents and fees shall be submitted according to the following:

Submit hard copies to this address:

Indiana Department of Environmental Management
Office of Water Quality, General NPDES Permits
100 North Senate Avenue, IGCN Room 1255
Indianapolis, IN 46204-2251

IDEM continues to develop means of electronic submittals for Notice of Intent and Notice of Termination forms. Upon availability and notification by the Commissioner of an electronic application process, a person may choose to or, may be required to, utilize this process to file the NOI, NOT and other submission requirements. If the electronic application process does become a requirement and the person does not have the ability to submit NOIs or NOTs electronically, the permittee may request an exemption from the requirement which shall include the justification of the inability to utilize an electronic filing system.

4.4 NOI Content Requirements

The following information must be included in an NOI:

- a) name of the operator of the site and operator's email and mailing addresses and telephone number;
- b) name of the owner of the site and owner's email and mailing addresses and telephone number;
- c) name, telephone number, and email and mailing addresses of a contact person who is knowledgeable about the site;
- d) name of contact person for submission of monthly monitoring reports and contact's telephone number and email and mailing addresses for submission of monthly monitoring reports;
- e) the location address of the site itself, and the latitudinal and longitudinal coordinates (to the nearest second) of the center of the site;
- f) four digit SIC (Standard Industrial Classification) code that best describes the primary activity conducted at the site;
- g) a brief description of the activities conducted at the site that result in the discharge, including the identification numbers assigned by the IDEM Office of Land Quality's Leaking Underground Storage Tank (LUST) Program. NOIs for non-LUST remediation projects must contain a detailed explanation of the site and source water for which general permit coverage is being sought.
- h) an estimate of the volume of wastewater to be discharged, reported in million gallons per day (mgd);
- i) the latitudinal and longitudinal coordinates of each point source location (including outfall numbers) that will be discharging wastewater from the groundwater petroleum remediation system, including outfall numbers;
- j) the location of each sampling point;
- k) the name of the surface waters receiving each discharge;
- l) characterization of all pollutant parameters known or believed to be present in the source water based on an actual data pilot study, estimates from other engineering studies, data from other similar sites, or best professional estimates;
- m) facility location map which identifies, via names of at least two intersecting nearby streets or any permanent structures, the location of the site where the activity resulting in the discharge will be conducted; the location where the

discharge will occur; and the waters receiving the discharge. The facility map must show boundaries which extend at least a one mile radius beyond the facility property. Multiple maps may be used if the location of the receiving stream is sufficiently distant from the site that too much detail is lost on the site map if only one is used;

- n) documentation of IDEM pre-approval for the use of any water treatment additives (WTAs) to be used for the wastewater from the groundwater petroleum remediation system;
 - o) flow schematic diagram(s) that shows how the process wastewater travels through the facility to the point(s) where it is discharged (outfall point);
 - p) a completed Potentially Affected Parties form (as required by IC 4-21.5) and mailing labels with the mail code (Mail Code 65-42 PS) inserted on the first line for each person listed;
 - q) The NOI letter must also contain proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge: *(Your facility name, address, address of the location of the discharging facility)* “is submitting a Notice of Intent to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under National Pollutant Discharge Elimination System (NPDES) general permit ING080000 to discharge non-process wastewater from a ground water petroleum remediation operation. Discharge will be to *(supply the name(s) of the stream(s) or other water body(ies)) receiving the discharge(s)*”.
- “Any person wishing further information about the discharge may contact *(your facility contact person’s name and telephone or email address)*. The decision to issue coverage under this NPDES general permit for this discharge is appealable as per IC 4-21.5. Any person who wants to be informed of IDEM’s decision regarding granting or denying coverage to this facility under this NPDES permit, and who wants to be informed of procedures to appeal the decision, may contact IDEM’s offices at OWQWWPER@idem.IN.gov to be placed on a mailing list to receive notification of IDEM’s decision.
- r) the required permit fee as per IC 13-18-20-12;
 - s) certification statement as set forth in 40 CFR 122.22 and signed by the authorized signatory.

5.0 REQUESTING TERMINATION OF COVERAGE

A permittee may request termination of coverage under this general permit when discharges of remediated groundwater to surface waters of the State have ceased. In order to do so, the permittee shall complete and submit a Notice of Termination (NOT) according to Section 4.3 of this permit.

The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees billed according to Indiana Statute IC 13-18-20 until IDEM approves the NOT.

6.0 ADDITIONAL REQUIREMENTS

6.1 Standard Conditions for General Permits

The following standard permit conditions are incorporated by reference, as applicable to general permits.

Standard Conditions	Federal Regulatory Cite
a) Duty to comply	40 CFR 122.41(a)
b) Duty to reapply	40 CFR 122.41(b)
c) Need to halt or reduce activity not a defense	40 CFR 122.41(c)
d) Duty to mitigate	40 CFR 122.41(d)
e) Proper operation and maintenance	40 CFR 122.41(e)
f) Permit actions	40 CFR 122.41(f)
g) Property rights	40 CFR 122.41(g)
h) Duty to provide information	40 CFR 122.41(h)
i) Inspection and entry	40 CFR 122.41(i)
j) Monitoring and records	40 CFR 122.41(j)
k) Signatory requirements	40 CFR 122.41(k)
l) Reporting requirements	40 CFR 122.41(l)
m) Bypass reporting	40 CFR 122.41(m)
n) Upset reporting	40 CFR 122.41(n)
o) Additional reporting requirement for existing manufacturing, commercial, mining, and silvicultural dischargers	40 CFR 122.42(a)

6.2 Change of Ownership/Transfer

Coverage under this permit may be transferred in the event that the facility is sold or transferred to a new owner or operator when the following occurs:

- a) the current permittee notifies IDEM at least thirty (30) days in advance of the proposed transfer date.

- b) a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to IDEM.
- c) The transferee certifies in writing to IDEM the intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged.
- d) In addition to the submittal of the written agreement for transfer the new owner or operator must also submit a new NOI in accordance with the provisions of Section 4.0 of this permit.

6.3 Planned Changes in Facility or Discharge

The permittee shall give notice to IDEM no later than thirty (30) days prior to the initiation of any physical alterations or additions to the permitted facility that will or may:

- a) result in a discharge from a point previously not identified in the NOI;
- b) result in the facility meeting one of the criteria for determining whether the facility is a new source as defined in 40 CFR 122.29(b);
- c) change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the general permit, or to notification requirements under 40 CFR 122.42(a)(1); or
- d) change the amount or frequency of the discharge.

Changes resulting in the addition (item a above) or deletion of a discharge point will necessitate the submission of a new NOI requesting this amendment, along with the appropriate fee in accordance with IC 13-18-20-12.

6.4 Other Information

When the permittee becomes aware of a failure to submit any relevant facts or the submission of incorrect information in a NOI or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

The permittee shall promptly provide to IDEM written notice of any changes to items listed on the NOI. These would include:

- a) any changes in contacts or responsible party;

- b) any changes to addresses- mailing address or email address- for any contact or responsible party;
- c) any changes to telephone numbers for any contact person or responsible party;
- d) any changes involving the person or position with delegated signature authority for any forms or reports required by this general permit as set forth in Section 6.1(k) of this general permit.

6.5 Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this general permit. Any noncompliance constitutes a violation of applicable State and Federal laws, the Clean Water Act and IC 13 and is grounds for enforcement action, termination of coverage under the permit, requiring an individual permit, and/or denial of permit coverage renewal.

When IDEM or the U.S. EPA determines that the effluent limitations contained in Sections 2.1 or 2.2 of this general permit are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the permittee may be notified by the Commissioner in writing that an individual permit application is necessary.

6.6 Reporting Spills and Noncompliance

The permittee must monitor for, identify, and report to IDEM any adverse incidents (including spills and leaks) which reach any surface water of the state. When the permittee observes or is otherwise made aware of any permit noncompliance or any adverse incident that may have resulted from a discharge from the permitted facility, the permittee must notify IDEM by telephone at **(888) 233-7745**:

- a) immediately for bypasses, adverse incidents or noncompliance which pose a significant danger to human health or the environment, and
- b) as soon as possible but within two (2) hours of discovery for any bypasses, adverse incidents, or noncompliance resulting in death or acute injury or illness to animals or humans (see "Spill Response and Reporting Requirements" in 327 IAC 2-6.1).

The permittee shall report any noncompliance and other information that is subject to the reporting requirements of 40 CFR 122.41(l)-(m) and 40 CFR 122.42(a) of this general permit within 24 hours of the person becoming aware of the permit noncompliance if it does not meet either of the conditions listed above. The permittee shall make the oral reports to IDEM by calling (317) 232-8670 during regular business hours or by calling (317) 233-7745 ((888) 233-7745 toll free in Indiana) during non-business hours. Written reports shall be submitted to IDEM

within 5 days of the time the permittee becomes aware of the circumstances and may be submitted by U.S. Mail, by hand delivery, or via email. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The mailing address for the written report is:

Indiana Department of Environmental Management
Office of Water Quality
Compliance Data Section, IGCN Room 1255
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Any written reports which are sent to IDEM via email shall be sent to wwreports@idem.IN.gov.

Any other permit noncompliance that is not subject to the reporting requirements of 40 CFR 122.41(I)-(m), 40 CFR 122.42(a), or 327 IAC 2-6.1 shall be reported at the time of submittal of the applicable Discharge Monitoring Report as referenced in Section 3.7 of this general permit.

6.7 Certified Operator

The permittee shall have any wastewater treatment facility, when applicable, under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22.

6.8 Individual or Alternative General NPDES Permit

- a) IDEM may require a person to obtain an individual NPDES permit or an alternative general permit in accordance with the provisions of 327 IAC 15-2-9 or 40 CFR 122.28(b)(3).
- b) Any discharger authorized for coverage under this general permit may apply for coverage under an individual NPDES permit by submitting an individual NPDES application or modification to IDEM.

6.9 State and Local Laws

Coverage under this permit does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Clean Water Act, as amended.



**National Pollutant Discharge Elimination System
GENERAL PERMIT FACT SHEET for
Ground Water Petroleum Remediation Systems
NPDES Permit No. ING080000**

October 26, 2015

Indiana Department of Environmental Management

Office of Water Quality
100 North Senate Avenue, IGCN Room 1255
Indianapolis, Indiana 46204
www.idem.IN.gov

Existing Permit Information:	<p><u>Permit Number:</u> ING080000 (Master General Permit). Existing facilities permitted under 327 IAC 15-10 will retain their existing general permit tracking numbers, and new permitted facilities will have tracking numbers using same numbering protocol.</p> <p><u>Expiration Date</u> Under 327 IAC 15-10, each permitted facility has a unique expiration date based upon five (5) years from when coverage commences. Under this general permit all permitted facilities will have the same expiration date.</p>
Source Location:	State-wide
Receiving Stream:	All waters of the state of Indiana, except for Outstanding State Resource Waters and Outstanding National Resource Waters
Proposed Action:	New administrative NPDES general permit to replace existing NPDES general permit-by-rule (327 IAC 15-10)
Source Category:	NPDES Minor – Industrial
Permit Writer:	<p>Name: C. Anne Burget, Permit Writer or Catherine Hess</p> <p>Contact Information: cburget@idem.IN.gov or chess@idem.in.gov</p> <p>Telephone: (317) 234-8745 or (317) 232-8704</p>

The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which was enacted in 1972, provides that the discharge of pollutants to the waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The primary condition determining eligibility is ensuring that the discharge consists of only wastewater from Ground Water Petroleum Remediation systems. Dischargers who meet the eligibility requirements may apply for coverage by this NPDES general permit, instead of seeking coverage under an individual NPDES permit. Development of a Fact Sheet for NPDES permits is required by Title 40 of the Code of Federal Regulations, Section 124.8 and 124.56. This document fulfills the requirements established in those regulations by providing the information necessary to inform the public of actions proposed by the Indiana Department of Environmental Management (IDEM) as outlined in 40 CFR 122.28 and 327 IAC 5-3-8.

A. Description of Category:

The purpose of this general permit is to regulate the point source discharge of ground water petroleum remediation wastewater so that the public health, existing uses, and aquatic biota are protected.

“Ground Water Petroleum Remediation Wastewater” is defined as: the discharge from any conveyance, used for collecting and conveying wastewater which is directly related to ground water petroleum remediation systems or activities. This includes groundwater which has been contaminated by gasoline, diesel fuel, kerosene, and other petroleum products that are typically associated with gas stations and truck stops.

NPDES general permits are developed and issued to cover multiple facilities engaged in the same process category instead of an individual facility within the State of Indiana. IDEM first developed a general NPDES permit-by-rule (327 IAC 15-10) for discharges of ground water petroleum wastewater in 1994. As a result of statutory changes to Indiana law in 2011, IDEM is now changing its method of administering NPDES general permits by changing from a permit-by-rule format to an administrative format which utilizes a “master general permit” (EPA terminology) which will be renewed and reevaluated on a five-year interval. Persons who seek coverage under the master general permit will continue to be assigned permit tracking numbers beginning with “ING08” but coverage under the general permit will be limited to the permit term established in the master general permit once it is issued.

As such, all of the permitted discharges generally require the same effluent limitations and monitoring requirements. As of October 2015, there are approximately 85 facilities which are currently regulated under 327 IAC 15-10. Since the permit requirements for all of these discharges are similar and because of the number of such dischargers, it is the opinion of IDEM that this category of sources is controlled more appropriately under a NPDES general permit rather than under individual permits. These discharges are similar in several ways:

- 1) They are comprised solely of ground water petroleum remediation wastewater; and
- 2) The ground water at the facilities addressed in this general permit has contained petroleum or petroleum-derived liquids.

B. Geographic area covered:

This general permit is intended to potentially cover any discharge of ground water petroleum remediation wastewater within the boundaries of the state of Indiana, except as denoted herein.

C. Receiving waters:

This general permit will authorize discharges to all waters of the State of Indiana, except for Outstanding State Resource Waters and Outstanding National Resource Waters. Dischargers to these receiving waters are required to obtain an individual NPDES permit to regulate their discharges.

D. Eligibility

Discharges covered under this general permit will be from primarily industrial facilities with discharges solely comprised of wastewater from ground water petroleum remediation systems. This general permit contains eligibility criteria including certain specific exclusions from coverage under the general permit which are denoted in Section 1.3 of the permit. In such instances the person will be required to apply for an individual NPDES permit.

The following discharges of wastewater from ground water petroleum remediation systems are not authorized by this permit:

- direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d);
- discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters; and
- discharges containing water treatment additives (WTAs) which have not received prior written approval from IDEM for the specific additive, use, and dosage at the particular site for which the Notice of Intent (NOI) is submitted. (If the need arises for a permittee to utilize a new WTA after obtaining general permit coverage, the permittee must still obtain pre-approval from IDEM before utilizing the WTA at the site.)

E. Application for Coverage:

This general permit proposes to provide coverage for any facility with discharges composed entirely of ground water petroleum remediation wastewater which meet the eligibility criteria listed in Section 1.3 of the permit and agree to be regulated under the terms of the general permit.

Each facility seeking coverage under this general permit must submit a Notice of Intent (NOI) application. Federal regulations found in 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit an application for an individual permit. NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of permittees covered by the general permit, the identities, locations, mailing addresses, and nature of discharge.

F. Antidegradation Evaluation

327 IAC 2-1.3 outlines the state's Antidegradation Standards and Implementation Procedures. The Tier 1 antidegradation standard found in 327 IAC 2-1.3-3(a) applies to all surface waters of the state regardless of their existing water quality. Based on this standard, for all surface waters of the state, existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. IDEM implements the Tier 1 antidegradation standard by requiring NPDES permits to contain effluent limits and best management practices for regulated pollutants that ensure the narrative and numeric water quality criteria applicable to the designated use are achieved in the water and any designated use of the downstream water is maintained and protected.

The Tier 2 antidegradation standard found in 327 IAC 2-1.3-3(b) applies to surface waters of the state where the existing quality for a parameter is better than the water quality criterion for that parameter established in 327 IAC 2-1-6 and 327 IAC 2-1.5. These surface waters are considered high quality for the parameter and this high quality shall be maintained and protected unless the commissioner finds that allowing a significant lowering of water quality is necessary and accommodates important social or economic development in the area in which the waters are located. IDEM implements the Tier 2 antidegradation standard for regulated pollutants with numeric water quality criteria quality adopted in or developed pursuant to 327 IAC 2-1 and 327 IAC 2-1.5 and utilizes the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6. Effluent limits for benzene and naphthalene are included in this general permit to satisfy the Tier 2 antidegradation requirements.

According to 327 IAC 2-1.3-1(b), the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6 apply to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity subject to the Clean Water Act, including a change in process or operation that will result in a significant lowering of water quality.

The following antidegradation evaluation and determination is based on 327 IAC 2-1.3. The effluent limitations contained in the general permit for discharges of wastewater associated with ground water petroleum remediation systems is based on the best available treatment in accordance with 327 IAC 5-5-2 and Indiana water quality standards.

Wastewater Characterization

The chemical and physical characteristics of the wastewater have been evaluated by IDEM. When gasoline is the only contaminant of concern, IDEM has historically only required effluent limitations in the NPDES general permit for benzene as a representative parameter. However most of the sites which are undergoing the ground water remediation activities are former gas stations and truck stops, so the potential exists for other petroleum-related contaminants,

such as diesel fuel or kerosene, to be present at these sites. If these contaminants are found to be present at the remediation site, additional effluent limitations and monitoring requirements need to be included, such as Naphthalene and Polynuclear Aromatic Hydrocarbons (PAHs).

Effluent Limitations Rationale

The draft permit includes effluent limitations for benzene, naphthalene, and pH. It also includes monitoring and reporting requirements for Polynuclear Aromatic Hydrocarbons (PAHs). All ground water petroleum remediation systems at a minimum must meet the effluent limitation for benzene, which is considered an indicator parameter as far as the BTEX compounds are concerned, and it is the primary pollutant of concern when it comes to the remediation of gasoline in wastewater. However, some of the leaking underground storage tanks at gas stations have the potential to have diesel fuel or kerosene leakage, so it is important to include effluent limitations which will also cover that type of discharge of remediated ground water. Therefore additional parameters have been included in this permit to address those sources of wastewater, with the provision that such additional monitoring may be waived or reduced if the wastewater characterization data included in the NOI supports the waiver/reduction.

The following table compares the water quality-based effluent limits (WQBELs) for benzene and naphthalene, calculated without the benefit of a mixing zone to demonstrate the most protective limit, to the technology based limits using BPJ/BAT:

Daily Maximum Effluent Limitations (µg/l)

	<u>WQBEL</u>	<u>TBEL</u>
Benzene	161.0	5.0
Naphthalene	18.0	10.0

The most stringent of the limits for each pollutant, based on either the water quality criteria or the treatment technology, is selected to ensure that both proper treatment of the wastewater is occurring and the discharge is not harmful to aquatic life and human health. In this case, the technology based limits (TBELs) are more stringent than the limits based on water quality criteria.

Demonstration of a Non-Significant Lowering of Water Quality

It has been demonstrated historically that ground water remediation cleanups of petroleum products can be effectively treated with the use of a combination of the following treatment processes consisting of initial filtration, oil water separators, air stripping, and activated carbon filtration. This is a mature treatment technology which has been used as a demonstration of the most cost-effective

treatment methods for these compounds involving ground water remediation projects. The effluent limitations in this permit are based upon the BAT technology for petroleum-contaminated ground water. Additionally IDEM concludes the remediation activities authorized under this general permit are necessary and important for social and economic development in Indiana.

G. When to Apply

State NPDES rules require individual permit applications to be filed at least one hundred eighty (180) days prior to the commencement of the activity. The current NPDES general permit-by-rule (327 IAC 15-10) allows an NOI to be filed at least fifteen (15) days prior to the commencement of the proposed activity. Under the terms and conditions of this general permit, appropriate submission time frames depending upon the situation of the discharger are proposed (See Section 4.0 of the general permit).

H. Permit Conditions:

1) Effluent Limitations & Monitoring Requirements

Under State and Federal law and regulations 40 CFR 122.44 and 327 IAC 5, a discharge permit must establish effluent limitations equivalent to best available technology economically achievable (BAT). For some industry categories, such effluent limitations have already been established by the EPA. This is not the case with discharges of ground water petroleum remediation wastewater; thus, IDEM used Best Professional Judgment (BPJ) to choose effluent limitations that meet technology based levels equivalent to BAT.

- a) **Flow** is a standard parameter to be monitored in all NPDES permits. As in the general permit-by-rule, the requirement to report both the monthly average and daily maximum flows for each month has been retained. The permit-by-rule only required once monthly monitoring of flow. This general permit proposes to increase the flow monitoring to daily. Flow measurement may be estimated. This parameter is required of all NPDES permits and is included in this permit in accordance with 327 IAC 5-2-13(a)(2).
- b) **pH** is included in the general permit to ensure that the discharge will not violate Indiana water quality standards. The proposed limit of 6.0 to 9.0 standard units (s.u.) is in accordance with the Indiana Water Quality Standards (327 IAC 2-1-6 and 327 IAC 2-1.5-8). The effluent limitations and monitoring requirement for pH is the same as that which exists in the current general permit-by-rule, 327 IAC 15-10.
- c) **Benzene:** Benzene is being used as an indicator of the volatile organic compounds present in the gasoline. The benzene limitation of 0.005 mg/l (5.0 µg/l) has been established based upon Best Available Technology (BAT) in accordance with 327 IAC 5-5-2. This parameter is retained from the

general permit by-rule because it is believed to be present in the discharges of wastewater associated with ground water petroleum remediation systems.

- d) **Total Flow:** An additional reporting requirement is being added to require the permittees to monitor and report the total flow value for the month in units of million gallons (mgal). This requirement has actually been a parameter listed on the Discharge Monitoring Report forms for all NPDES permittees for the past several years, and it is included to assist IDEM in properly assessing the annual permit operating fees set forth under IC 13-18-20.
- e) **Naphthalene:** Effluent limitations and monitoring requirements for Naphthalene are added to the general permit in the event that diesel fuel or kerosene is a contaminant that is present in the ground water. The Naphthalene limitation of 0.01 mg/l (10 µg/l) is established based upon Best Available Technology (BAT) in accordance with 327 IAC 5-5-2. The monitoring requirements for this parameter may be waived or reduced (via an official IDEM approval letter) if the wastewater characterization data supports the waiver or reduction.
- f) **PAHs:** Monitoring requirements for Polynuclear Aromatic Hydrocarbons (PAHs) are added to the general permit in the event that the wastewater characterization data shows the presence of PAHs, which can be due to the presence of diesel fuel, kerosene or other petroleum products that are typically associated with gas stations and truck stops. The inclusion of these parameters shall be determined based upon information provided in the NOI or IDEM records. The monitoring requirements for these parameters may be waived or reduced (via an official IDEM approval letter) if the wastewater characterization and/or the effluent data supports the waiver or reduction.

2) Narrative Water Quality Based Limits

The narrative water quality standards contained in 327 IAC 2-1-6(a) and 327 IAC 2-1.5-8(b) have been included in this general permit to ensure that the narrative water quality criteria are met.

3) Monitoring and Reporting Requirements

The permittee is required to complete and submit federal Discharge Monitoring Reports (DMRs) and state Monthly Monitoring Reports (MMRs) to IDEM containing the results obtained during the previous monitoring period by the 28th day of the month following the monitoring period.

The permittee may enroll in NetDMR program for the electronic submittal of the federal DMRs and the state MMR forms in lieu of submitting them via U.S. Mail.

Once approved by IDEM, the permittee may use this process for submitting reports in lieu of submitting paper copies of the reports to IDEM.

I. Reporting Spills and Noncompliance

All persons covered by this general permit must monitor for, identify, and report adverse incidents. If a person covered by this general permit observes or is otherwise made aware of an adverse incident that may have resulted from a discharge, the person must notify IDEM by telephone at **(888) 233-7745**:

- immediately for incidents which pose a significant danger to human health or the environment,
- as soon as possible but within two (2) hours of discovery for any adverse incidents resulting in death or acute injury or illness to animals or humans (see 327 IAC 2-6.1), and
- within 24 hours of the person becoming aware of the adverse incident for any other adverse incidents not listed above.

The permittee shall also submit a written report to IDEM within 5 days of the permittee becoming aware of the incident and may be submitted by U.S. Mail, by fax, or by email (such reports must be sent to: wwreports@idem.IN.gov).

Spills from the permitted facility meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

It should be noted that the reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedances that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedance to be under the jurisdiction of this NPDES permit, the substance in question (a) must have been discharged in the normal course of operation from an outfall listed in this permit, and (b) must have been discharged from an outfall for which the permittee has authorization to discharge that substance.

J. Fees

In accordance with IC 13-18-20-12, any application for a new permit, renewal of a permit, modification of a permit, or variance from a permit requirement must be accompanied by an application fee, which is currently \$50.00. These fees are also applicable to NOIs for general permits. Once approved for coverage under a general permit, the permittee is also subject to annual operating fees. These annual fees are set by statute (IC 13-18-20).

K. Reopening Clause

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) controls any pollutant not limited in the permit.

L. Permit Term

This general permit is proposed to be in effect for a five (5) year term.

M. Forms, References, and Guidance Documents

The IDEM website will contain information about each of the NPDES general permits, including the issued permit(s), Notice of Intent forms, Notice of Termination forms, and helpful reference documents to assist the regulated community and the general public. This web page is still in development as of the date of this fact sheet.

Groundwater Petroleum Remediation Systems General Permit Summary of Comments & IDEM Responses

The draft general permit was placed on public notice on December 15, 2014. Several modes of public notice were utilized. Notices were placed in the Indiana Register, in the Indianapolis Star and 6 other large circulation newspapers in the State of Indiana, on IDEM's web site at <http://www.IN.gov/idem/6777.htm>. The full text of the general permit and fact sheet are posted IDEM's web page for NPDES Permits on Notice at (<http://www.IN.gov/idem/cleanwater/2480.htm>) and were sent to the existing permittees via email. During the official public notice comment period, which ended on February 6, 2015, IDEM received comments from the following persons:

Bill Bloemer (BB)

Michael Cox, Practical Environmental Consultants, Inc. (MC)

Kimberly A. Jurczak, P.E., Project Engineer, American Environmental Corporation (KAJ)

Chris Parks, LPG, LWO – Senior Project Manager, Creek Run L.L.C. Environmental Engineering (CP)

Edward Stehno, Senior Projects Engineer, Engineering & Environmental Services Division, CARDNO (ES)

Comment: If this Draft General Permit is for Groundwater Petroleum Remediation Systems, why does the language in Section 1.3 a) state "this general permit covers discharges comprised solely of process wastewater and mine dewatering water from facilities involved in sand, gravel, dimension stone, or crushed stone operations"? It appears 1.3 (b) is correct. (BB, KAJ, CP)

IDEM RESPONSE: This was a typographical error and it has been corrected.

Comment: Regarding the pH monitoring frequency, the Draft ING080 permit states in Table 2 that the pH monitoring frequency will be Daily. The current requirement for monitoring frequency for pH under the current General Permit for Groundwater Petroleum Remediation Systems is once monthly. The Draft Fact Sheet for draft permit ING080 (section H.1.b) states that "The effluent limitation and monitoring requirements of pH is the same as that which exists in the current general permit-by-rule, 327 IAC 15-10." Is the pH sampling frequency for Draft ING080 intended to remain at 1x monthly or be increased to 1x daily?

IDEM RESPONSE: The frequency of pH monitoring is to remain at one time per month.

Comment: Section 1.2 states that this permit covers "only sites dealing with gasoline-based contamination". What about sites that contain other petroleum based contamination, in addition to gasoline based contamination, such as diesel fuel or fuel oil? Will they be required to obtain an individual permit? (BB)

IDEM RESPONSE: Several representatives of the regulated community raised this issue. OWQ staff consulted with staff of the IDEM Office of Land Quality and U.S. EPA to determine what effluent limits and monitoring requirements would be appropriate for such circumstances. The general permit has been amended to remove the restriction of just gasoline for defining what is meant be “petroleum remediation”. The revised language also includes “diesel fuel and kerosene” and in such cases additional effluent parameters will be applicable to the discharge as found in Table 3 of Section 2.1 of the general permit.

Comment: The groundwater remediation systems are placed on active gas stations. Often times, these gas stations also offer diesel and kerosene for their customers. There is a potential that the diesel and kerosene USTs will leak and will need to be remediated as well. Would IDEM OWQ consider adding diesel and kerosene based contamination to the general permit language in addition to gasoline contamination? Additional constituent parameters may need to be analyzed and included in the general permit. (KAJ)

IDEM RESPONSE: See response above.

Comment: Some gasoline stations have expanded to include diesel fuel for semi-trucks. Over the past few years, a number of truck stops are beginning to add Diesel Exhaust Fluid (DEF) USTs and pumps. The DEF pumps are typically located adjacent to fuel pumps such that the vehicle operator can fill up both diesel and DEF without moving the truck. There is a potential that the DEF USTs will leak and will need to be remediated as well. Would IDEM OWQ consider adding DEF based contamination to the general permit language in addition to gasoline contamination? Additional constituent parameters may need to be analyzed and included in the general permit. (KAJ)

IDEM RESPONSE: See response above.

Comment: Can the Groundwater Petroleum Remediation Systems Permit be expanded to cover gasoline-based, diesel-based, and other petroleum compounds (fuel oil, kerosene, jet fuel, etc.) by expanding the required parameters for monthly monitoring. Specifically by adding Naphthalene to the Benzene requirement for reporting. Naphthalene is also found in gasoline and is generally harder to remove from the waste stream than benzene, thereby making it a good indicator if the waste stream meets discharge requirements. (CP)

IDEM RESPONSE: See response above.

Comment: Per the discussion at the Friday January 30th information meeting the draft of the NPDES permit for Groundwater Petroleum Remediation Systems as written appears to be solely for “gasoline-based contamination”. Can this permit be utilized or

modified to include other potential petroleum releases such as diesel, kerosene, or other petroleum products which are commonly found at petroleum release sites? (ES)

IDEM RESPONSE: See response above.

Comment: For permit termination, is a permit termination request letter acceptable to the OWQ in lieu of the Notice of Termination (NOT) form? (KAJ)

IDEM RESPONSE: A letter requesting termination of the general permit coverage will be acceptable if it provides all required information necessary to terminate the permit coverage.

Comment: Some remediation systems have added water treatment additives in order to reduce the amount of scale build-up on the equipment due to hard water and to extend the life of the granulated activated carbon units. The IDEM excess liability trust fund (ELTF) has approved the addition of these water treatment additives to groundwater remediation systems. Can the IDEM ELTF approval be used for the IDEM OWQ approval? (KAJ)

IDEM RESPONSE: No, the ELTF approval for water treatment additives is a different document than the document required by the Office of Water Quality for general permit coverage. A separate approval from the Office of Water Quality will be required for water treatment additives used in equipment covered by general permits.

Comment: For reporting Noncompliance, will IDEM OWQ still accept the Noncompliance 24-hour Notification Fax Report (State Form 52415)? If so, will the IDEM OWQ accept the State Form 52415 in lieu of calling IDEM? Will the IDEM OWQ accept the State Form 52415 in lieu of submitting the required written report within 5 days? (KAJ)

IDEM RESPONSE: Yes, submission of State Form 52415 to IDEM via fax is an acceptable way of reporting noncompliance in lieu of calling IDEM. IDEM actually prefers and encourages the submittal of this form electronically by sending it via email to wwreports@idem.IN.gov. Submission of said document via fax or email within 24 hours of noncompliance fulfills both the oral and written reporting requirements.

Comment: If an existing NPDES permit has an expiration date in 2015, prior to the Draft General Permit for Groundwater Petroleum Remediation Systems becomes effective, will the Permittee have to submit an additional Notice of Intent after the General Permit effective date? (KAJ)

IDEM RESPONSE: Yes, the statute and the general permit require existing permittees to submit a Notice of Intent (NOI) *after* the new general permit is issued to demonstrate that the permittee intends to comply with the new general permit.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER QUALITY
PUBLIC NOTICE OF ISSUANCE OF NPDES GENERAL PERMIT
PUBLIC NOTICE NO: 2015-11GP –F
ISSUANCE/NOTICE DATE: **November 5, 2015**

On November 5, 2015 the Indiana Department of Environmental Management (IDEM) issued the final NPDES General Permit for Groundwater Petroleum Remediation Systems in a new format. This administrative NPDES general permit will supersede and replace the requirements for these discharges which are currently regulated under Article 15, Rule 10 of Title 327 of the Indiana Administrative Code (327 IAC 15-10). These include the following types of discharges to surface waters of the state:

NPDES Permit Number ING080000 for Groundwater Petroleum Remediation Systems. The purpose of this permit is to establish requirements for point source discharges from any conveyance used for collecting and conveying wastewater which is directly related to ground water petroleum remediation systems or activities, which includes gasoline, diesel fuel, kerosene contamination of the ground water.

IDEM public noticed the draft general permit from December 15, 2014 and the comment period ended on February 6, 2015. Each general permit contains specific eligibility requirements. Ineligible discharges will require an individual NPDES permit or an alternate general permit (if available). Only facilities existing within the boundaries of Indiana may obtain NPDES general permit coverage.

APPEAL PROCEDURES FOR FINAL PERMITS

The final NPDES general permits and related documents are posted on IDEM's web site at <http://www.in.gov/idem/cleanwater/2480.htm>. The final NPDES general permits are available for review at the IDEM Central Office, Indiana Government Center North, Room 1255, 100 N. Senate Avenue, Indianapolis, Indiana from 9:00 a.m. to 4:00 p.m., M - F, excluding state holidays (copies 10¢ per page). Copies of the final permit documents are also available at the local health departments and at IDEM's Regional Offices. The documents are also available via email request. See these sites for information concerning your rights and responsibilities: <http://www.IN.gov/idem/5474.htm> and <http://www.in.gov/idem/5903.htm>. Please tell others whom you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law. The Petition for Administrative Review must be received by the OEA within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

1. state the name and address of the person making the request;
2. identify the interest of the person making the request;

3. identify any persons represented by the person making the request;
4. state specifically the reasons for the request;
5. state specifically the issues proposed for consideration at the hearing; and
6. identify the Final Permit terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing these NPDES Permit(s).

If the person filing the Petition for Administrative Review desires any part of any final NPDES General Permit to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to this address:

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis, IN 46204

Stay Time frame: If the Petition(s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at 317/232-8591.

Questions may be directed to any of the following IDEM staff: C. Anne Burget at (317) 234-8745, Sheri Jordan at (317) 232-8703, or Catherine Hess at (317) 232-8704. Please send any email inquiries to owqwwper@idem.in.gov.